

# **EXHIBIT A**



Electronic Evidence Discovery

## **ELECTRONIC EVIDENCE DISCOVERY**

I N C O R P O R A T E D

### **Proposal for Electronic Discovery Project: Thompson Financial & Goodwin Procter**

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## **EED Processes:**

### **Analysis and Sampling**

EED typically assists clients in analyzing and sampling data to determine exactly what data needs to be produced in the context of a particular litigation or regulatory action. While we are frequently asked to estimate projects with huge data sets, our analysis typically reduces the number of backup tapes that are ultimately restored. For instance, we recently analyzed a data set of 7,000 backup tapes but ended up restoring, searching and reviewing data from only 300 tapes. We also conducted our proprietary Data Differential Analysis of the data set, comparing the results of reviewed data from monthly versus weekly backup tapes, and provided the results of that analysis to attorneys to defend the company's decision to process only a small portion of the backup set.

Retrieving data from backup tapes for litigation is not just a matter of technical processes such as restoring tapes, configuring email systems and converting messages; equally important is gathering information from our clients about who was using the system, what they were using it for, the nature of the litigation (including what is at issue) and what business processes are involved. This background is essential in determining what computer systems, application programs, data storage media and types of data need to be processed. Additionally, the client may request information on how to most effectively filter the data and which backup tapes will need to be processed. Depending on the nature of the litigation, it is often appropriate to start by evaluating the time periods and the group of mailboxes that should be reviewed. This can be a simple time restriction or a more complex focusing of review to include all tapes from the most critical time period relative to the litigation and a sampling of tapes from other periods. It is seldom reasonable to review all mailboxes in a company for a given time period; for example, much email is often to and from computer support personnel and seldom plays a role in litigation unless it is about the performance of the company computers. EED has extensive experience in assisting companies and counsel in determining what process is appropriate in the context of the case and in presenting reasonable approaches to courts and agencies.

### **Collection of Data**

EED accepts data that has been collected by other parties (i.e. vendors, client, opposing counsel). However, in many litigations we either counsel our clients on defensible collection practices and procedures or assist them with the actual collection. Available techniques include our automated tools, or manual collection by skilled and experienced EED technicians who go onsite to gather data from client sites in a defensible manner that is as unobtrusive as possible to the client's business. One of our collection teams recently imaged more than 1,300 computers and gathered backup tapes, in less than six weeks, from five U.S. cities, as well as Moscow, Shanghai, Singapore and London.

### **Restoration of Media**

EED works closely with your attorneys to determine what tapes should be restored. Once these have been identified, we restore each piece of media in-house with the assistance of

no other vendors. Additionally, we base our pricing on media type and offer volume discounts.

As the oldest and most experienced electronic discovery company, with more than 15 years experience, EED has restored virtually all types of media. As computer technologies develop there are continual challenges and issues with restoring media in a valid and cost-effective way. EED's experience is unmatched in this area. We have restored data for several major computer technology companies because they could not restore it themselves without our expertise.

#### **Process, Search and De-duplication**

Once data has been assembled from the collection process or restored from backup media, EED analyzes the data set to determine what data needs to be reviewed and what may be excluded. Our processes are designed to achieve the appropriate result, from the perspectives of cost and integrity of the discovery process. We can load all email, attachments and files, or a subset of potentially relevant items, depending on the your needs. If requested, the data is de-duplicated using appropriate criteria. We assist our clients in making well-informed decisions on these matters. EED also work closely with our client to develop defensible search criteria for the particular matter and tests the criteria against the data set to ensure that the criteria identifies potentially relevant data while appropriately excluding irrelevant and personal data.

Our search processes are experience-based and combine the use of "best practices". A few examples of litigation tested procedures are as follows:

- automated search programs for sampling search hits and non-hits
- refining search term lists
- verifying the appropriateness of search terms

#### **Review**

After the size of your data set has been reduced through searching and de-duplication, we provide the electronic data set to your attorneys and paralegals for review, either through EED's fully secure online review tool, Discovery Partner, or through any standard litigation support package that you may choose.

EED's Discovery Partner maintains the data in fully searchable digital format and enables users to identify common groups of documents -- sometimes hundreds of thousands of the same document -- and make determinations on relevance or privilege for *all* of them with a single keystroke. This feature dramatically reduces discovery costs and time in comparison to one-by-one electronic (or paper) document review. Discovery Partner has been designed to manage group review efforts, permitting the team managers to allocate and track work and simultaneous review from multiple locations, each with multiple reviewers. Review through Discovery Partner may be conducted by your team anywhere in the world. Additionally, Discovery Partner is customizable and allows any electronic data, including scanned, OCR'd and coded data to be loaded for review.

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### **Production**

EED produces relevant data for production in multiple formats.

- TIFF, PST, PDF and/or blowback prints
- HTML or XML linked emails with attachments and/or linked files
- Native File Format.
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Additionally, EED can produce pre-selected emails and files that you choose during review, apply electronic bates stamps with headers and footers, insert colored or plain separator sheets for paper productions and reformat Excel spreadsheets to ensure that you get all the data possible while avoiding extra blank sheets. EED performs all production activities in-house assuring none of your data is sent to a third- party vendor. In the event that expedited requests for printing is necessary, we may need to use an alternate preferred vendor for printing capacity. You will be notified if this is necessary.

## **Estimate of Current Project**

### **Data Collection**

#### **Media Processing:**

EED understands this project to be composed of the following media 450 DLT Tapes

#### **Pricing:**

EED uses a simple price model, where the bulk of the project costs are contained in a per-GB price. This pricing is special pricing for Goodwin Procter LLP

#### **Assumptions:**

- 1 Custodian = .5 GB
- One Microsoft Exchange Server = 40 GB

## **Estimated Pricing**

### **Media Restoration :**

Catalog and Restore per Tape

\$450

If a tape is only cataloged and not restored, there will only be a charge of \$250 per Tape instead of the \$450 listed.

### **Data Processing in Preparation for Online Review in Discovery Partner:**

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The per-GB pricing includes the following services:

\$1,950

- *Maintenance of Chain of Custody on all media*
- *Data restoration of each piece of media*
- *Full meta-data and text extraction and indexing*
- *Data loading, de-duplication, and indexing*
- *Application of search terms and the creation of iterative search terms frequency reports*
- *All Project Management*
- *Unlimited Discovery Partner system access)*
- *Unlimited Discovery Partner user accounts)*
- *24/7 technical support via our toll-free number*
- *Up to 6 hours of onsite review training (in one day)*
- *First 6 months of data hosting on Discovery Partner*

**Review Management:**

The per hour pricing includes the following services:

\$250

- *Creation an/or distribution of Query Blocks*
- *Post data load search and query assistance*
- *Custom Reporting and Analysis*

**Production:**

The per-page pricing includes the following services:

\$ .10

- *Export from Discovery Partner*
- *All Project Management*
- *Creation of TIFF images*
- *Extraction of text from images*
- *Application of Bates and/or Confidentiality stamps*
- *Creation of Concordance, Summation, JFS, Introspect, or Ringtail load files*
- *CD/DVD media required to ship production sets*

**Total Estimate:**

**TBD**

**Thank you for the opportunity to provide this estimate for services on your matter.**

**Optional Services:**

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**Data Hosting:** The above pricing matrix includes up to three months of free on-line data hosting. After three months have passed, EED charges \$2,500 per month for all projects where the total volume of data is less than 100 GB and \$5,000 per month for all projects where the volume of data exceeds 100 GB. Unless otherwise negotiated, the hosting fee will be applied automatically to the fourth invoice on the project.

**Email Server Restoration:** Should your project require the restoration and re-creation of an Exchange, Lotus Notes or GroupWise email server, EED will do so at a cost of \$1,500 per server. *For the Thompson Financial case only, this fee is waved.*

**Error Reporting:** Unless otherwise agreed, EED will provide the Client with a report outlining the activities completed against the data set. Specific metrics will include the following:

- Date data was received
- Volume of data received
- Volume of data that could not be processed due to corruption or encryption
- Volume of data removed due to the requested de-duplication mechanism
- Volume of data removed by key-word search term culling
- Volume of data removed due to “other” culling mechanisms requested by the client (date range restriction, custodian filtering, etc.)
- Volume of data migrated over to Discovery Partner for on-line review

The overall goal of the above described report is to provide a precise accounting of all the data that was entrusted to EED by the Client.

Should the volume of data identified as “could not be processed due to corruption or encryption” exceed 1%, you will be notified in advance by your project manager and a plan for further investigation on both the EED and Client side will be created and implemented.

**Rejection Reporting:** When processing Lotus Notes NSF or Microsoft Exchange PST files, EED has the ability to create “error files” containing copies of all email messages that could not be processed due to corruption or encryption. EED will pass these back to the client upon request.

**Use of Discovery Partner as a Document Repository:** Discovery Partner houses all of its data in native format. As such, should the parameters of your investigation require the long-term use of Discovery Partner as a repository for copies of all produced and Bates stamped TIFF images extracted from the online repository, EED has the ability to reload the images back into Discovery Partner, re-associating them with their native source file, so that all produced copies of the document can be called up at a moments notice for further reference. The parameters of this requirement should be identified and conveyed to

your Project Manager at the onset of the project. The cost for reloading the TIFF images and re-associating them with the native document is \$0.06 per page.

**Additional Optional Charges:**

On-site Data Collection/Forensics	\$250/hour
Maintenance of Chain of Custody of original client media	TBD
Travel & Per Diem for On-site Data Collection/Forensics	As incurred
Importation of TIFF images, OCR and coded record	\$.06/page
Blowbacks/Prints	\$.05/page
Native File Fee Production	\$.05/file
Additional On-site Training	\$250/hour

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